

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 21, 2004 PLANNING COMMISSION MEETING

This is a revised staff report

P.A.S.: Use Permit #106A

PROPOSAL: Amend Use Permit #106 for office use to include additional land, relocate access from Pioneers Boulevard, provide a private roadway, add a sign, and decrease the required parking from 148 stalls to 80 stalls.

LOCATION: 65th Street and Pioneers Boulevard.

WAIVER REQUEST:

1. Reduce required parking from 148 stalls to 80 stalls.
2. Waive Private Roadway Design Standards
3. Waive street trees along private roadway.
4. Waive sidewalks along private roadway.

LAND AREA: 6.57 acres, more or less (proposed total area).
4.26 acres, more or less, as approved.

CONCLUSION: The changes to this use permit conform to the Comprehensive Plan and the Zoning Ordinance. The waiver to required parking conforms as well, provided the additional parking spaces are provided upon a change of occupancy. There is insufficient information provided to make a recommendation on the other waivers. This item should be deferred until additional information can be submitted and reviewed.

RECOMMENDATION:

Deferral to February 18, 2004

Waivers:

- | | |
|--|----------|
| 1. Reduce required parking from 148 stalls to 80 stalls. | Deferral |
| 2. Design Standards for Private Streets for Talent Plus Way. | Deferral |
| 3. Street trees along Talent Plus Way. | Deferral |
| 4. Sidewalks along Talent Plus Way. | Deferral |

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Lot 79 I.T. and the remaining portion of Lot 80 I.T., located in the SE 1/4 of Section 4 T9N R6E, Lancaster County, Nebraska.

EXISTING ZONING: O-3 Office Park

EXISTING LAND USE: Single-family residential

SURROUNDING LAND USE AND ZONING:

North:	Holmes Lake Golf Course	P Public
South:	Single-family dwellings	R-1 Residential
East:	Single-family dwellings	R-1 Residential
West:	Holmes Lake Golf Course	P Public

HISTORY:

Jan 2004	Applicant had until 4:00 p.m. January 8 to submit the required drawings to the Planning Department for review and placement on the February 4 Planning Commission meeting. Applicant was given an extension until 12:00 noon, January 9, to submit the documents. The documents had not been submitted by that time.
Jan 2004	The deadline for submittal of documents for the January 21 meeting was December 24, 2003. However, since Planning Staff had additional time to prepare the staff report, Applicant was allowed to submit the required documents after the deadline had passed. The documents were not submitted.
Jan 2004	At the January 7 meeting, Planning Staff and Applicant asked for a deferral to January 21.
Dec 2003	Applicant did not submit the required drawings to the Planning Department for review of the waivers requested prior to the deadline for the January 7 meeting.
Nov 2003	At the Planning Commission meeting on November 26, 2003 Applicant requested a deferral to January 7, 2004 for the reason they intended to request additional waivers.
Aug 2003	Administrative Amendment #03051 to Use Permit #106 approved an increase in floor area from 42,430 to 44,400 square feet and an associated increase in parking.

- Apr 2003 Administrative Amendment #03015 to Use Permit #106 approved an increase in floor area from 41,700 to 42,430 square feet and an associated increase in parking.
- Apr 2001 Comprehensive Plan Conformance #00010 approved the declaration of surplus of the portion of property now being added to this use permit. This property was formerly part of the Holmes Lake Golf Course.
- Apr 2001 Change of Zone #3311 changed the zoning on the new use permit area from P Public to O-3 Office Park.
- Jan 1998 Change of Zone #3093 changed the zoning on the original use permit area from R-1 Residential to O-3 Office Park.
- Dec 1997 Use Permit #106 approved an office building with 41,700 square feet of floor area, and the retention of two existing single-family residences on the site.
- May 1979 The zoning was changed from A-1 Single-family to p public as part of the zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Comprehensive Plan shows this area as Commercial. (F 25)

Commercial: Areas of retail, office, and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (F 22)

TRAFFIC ANALYSIS:

The Comprehensive Plan identifies Pioneers Boulevard as a Minor Arterial both now and in the future. (E 49, F103)

Minor Arterials: This functional class serves trips of moderate length and offers a lower level of mobility than principal arterials. This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis on land access. These are characterized by moderate to heavy traffic volumes. (F 103)

ANALYSIS:

1. This is an application to amend Use Permit #106 to include additional land, relocate access from Pioneers Boulevard, add a sign, and decrease the required parking from 148 stalls to 80 stalls.

2. The currently approved use permit includes all of Lot 79 I.T. This amendment will add a portion of Lot 80 I.T., which has been declared surplus property and sold by the City to the Applicant, and is zoned O-3 Office Park. Approval of this use permit will allow the Applicant to relocate the access drive as proposed and will consolidate all of Applicant's contiguous property into one permit.
3. The proposed driveway is a split-entry design, with entrance and exit lanes separated by an island. The driveway has expanded from its approved position to the west, outside the boundary of Use Permit #106 as approved.
4. By expanding the driveway in this direction, Applicant is able to retain existing trees, but needs to add additional land to their boundary. They have chosen to add all of their ownership rather than just the portion necessary for the driveway.
5. Applicant proposes to add one ground sign to the site plan. The current approval does not include a sign. The zoning ordinance will allow one ground sign per vehicle entrance, not to exceed 32 square feet nor 8' in height, identifying the name of the office park and tenants. The ground sign may be located in the required front yard with a minimum spacing of 50' from any other ground or pole sign. A note on the drawings indicate the final design of the signage will be submitted for review and approval during the building permit process.
6. Applicant proposes to reduce the required parking for this facility from the required 148 stalls to 80 stalls. Applicant states they currently employ 63 people. The vast majority of their clientele are located outside the City of Lincoln and the State of Nebraska. Clients rarely visit their office, and on an average business day, less than half of their employees are in Lincoln. There will also be an office policy prohibiting employees from parking on nearby residential streets or in driveway for the residences along Pioneers Boulevard. Additionally, a reduction in required parking will allow for more open space and the potential preservation of existing trees.
7. A reduction in required parking should not impact the adjacent residential areas to the east and south, nor the residences along Pioneers Boulevard.
8. The Building and Safety Department has commented the Applicant has already received a generous parking reduction since a 3rd floor assembly area has been calculated as conference room/open office space for the use of existing employees and no guests. Building and Safety is also concerned that under current fire regulations, the permissible occupant load for this building would exceed the number of parking stalls proposed, thereby impacting off-street parking in the nearby residential areas. Finally, Building and Safety is concerned a future user may need all 148 parking stalls.

9. The City has previously allowed a reduction in required parking under similar circumstances. Design Data requested and received a reduction from 127 to 82 stalls. A visit to Design Data on November 13, 2003 at 10:45 a.m. revealed there were 30 cars parked in their lot. Design Data stated in their application they provide a "very large amount of office space per employees, and it is a business which has no "walk-in" traffic whatsoever." Talent+ appears to be a similar business in those respects. In each case, the Applicant has shown how the larger number of required parking stalls could be provided on-site, if needed. In the case of Design Data, City staff also pointed out "City Council has the ability to require additional parking stalls, at any time, if parking becomes a problem."
10. A note should be added to the use permit stating the parking requirement will revert back to 148 stalls, or the then applicable standard, at the time of a change in occupancy. This will give notice to future owners of their potential parking obligation.
11. Applicant should be required to show how 148 parking stalls will fit on the site.
12. On January 13, 2004, Applicant met with representatives of the City. One possible alternative developed in this meeting is to explore the potential that the Post Office may deliver mail addressed to "Suite ____, Talent Plus Place," or some other unique identifier for this property. Applicant agreed to investigate this alternative with the Post Office. Should the Post Office agree that this is possible, Applicant will likely withdraw their private roadway waivers, and Planning Staff will recommend approval based upon the following conditions.
13. The Planning Staff recommends deferral to the February 18, 2004 meeting in order to give the Applicant time to submit documents relating to their waiver requests and for the City to complete its review. Should Applicant withdraw the waiver requests, Planning Staff recommends Approval based upon the following conditions.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Submit certified information from an abstractor or an attorney indicating the current record owner(s) of all land within the limits of this application.
 - 1.2 Revise the site plan to show:

- 1.2.1 Correct the legal description. Parts or portions of lots may not be used. If necessary, provide a metes and bounds description.
 - 1.2.2 Update the Boundary Acreage information with the additional land area.
 - 1.2.3 Revise the project location map to include the entire new area.
 - 1.2.4 Remove the “clouding” around the areas of previous administrative amendments.
 - 1.2.5 Add a note stating at the time of a change in occupancy, the then applicable parking requirement will apply.
 - 1.2.6 Add a note stating prior to the City issuing a change in occupancy, the then applicable minimum required parking stalls shall be constructed.
- 2. This approval permits an increase in land area, the relocation of access to Pioneers Boulevard, a sign location, and a reduction in the required number of parking stalls from 148 to 80, provided prior to the Building and Safety Department issuing a change in occupancy the then applicable minimum required parking stalls shall have been constructed.

General:

- 3. Before receiving building permits:
 - 3.1 The Permittee shall have submitted a revised and reproducible final plan including 5 copies showing the following revisions and the plans are acceptable:
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

- 4. The following conditions are applicable to all requests:
 - 4.1 All development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner.

- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.
 - 4.5 The Applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

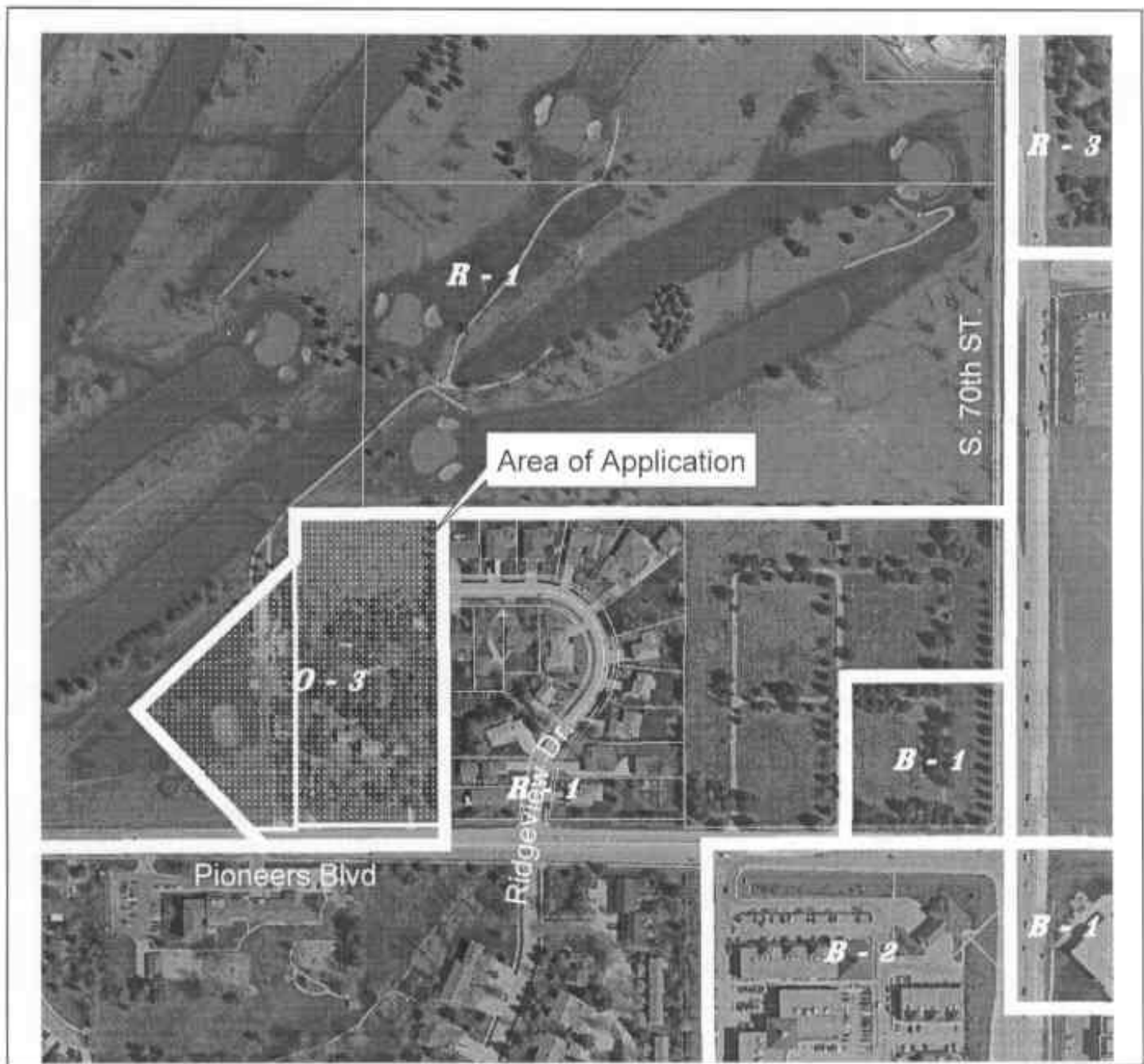
Greg Czaplewski
Planner

Date: January 9, 2004

Applicant: One Vista, L.L.C.
5220 South 16th Street
Lincoln, NE 68512
489.2000

Owner: Same as Applicant.

Contact: Mark Hunzeker
1045 Lincoln Mall, Suite 200
Lincoln, NE 68508
476.7621



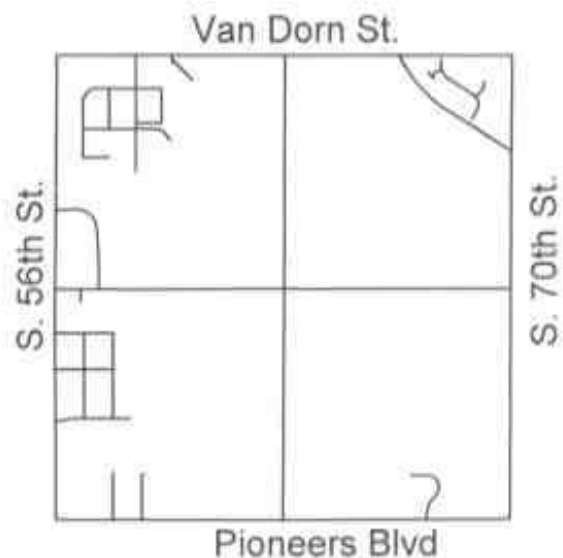
2002 aerial

Use Permit #106A S. 70th & Pioneers Blvd.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 4 T9N R7E



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October 21, 2003

Marvin Krout, Director
Planning Department
555 S. 10th Street, Rm 213
Lincoln, NE 68508

Re: Amendment to Talent + Use Permit No. 106

Dear Mr. Krout:

Attached is a proposed revision to the Talent + use permit. The drawings reflect an extension of the use permit area to include property which abuts the original use permit to the west, revisions to the access road which serves the property, a proposed sign identifying the Talent + campus, and a proposed reduction in required parking.

This letter is primarily to address the issue of the parking reduction. Talent + is a business which serves a national clientele, the vast majority of which are located outside the city of Lincoln, and outside the state of Nebraska. Talent + current employs 63 people. The floor area of the building is over 42,000 square feet. To describe the ratio of building floor area to employee as generous would be an understatement. Talent + clients rarely visit Lincoln, and on an average business day less than half of the Talent + associates are in Lincoln. Even on the rare occasion when all employees are onsite for company meetings, we propose 80 parking stalls, which will more than adequately provide for current employees and substantial growth.

Talent + will have an office policy which prohibits employees from parking on nearby residential streets, specifically Ridgeview Drive. Employees will also be prohibited from parking in the residential driveways near Pioneers Boulevard.

Should you require any additional information in support of the proposed parking waiver, please feel free to contact me.

Thank you for your consideration.

Sincerely,



Mark A. Hunzeker
For the Firm

MAH:la

Enclosures

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